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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,848	02/01/2006	Kazumasa Yoshima	39625	9759
52450	7590	09/27/2006	EXAMINER	
KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/566,848

Applicant(s)

YOSHIMA, KAZUMASA

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0201</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

1.) In the Information Disclosure Statement (IDS) filed on 2/1/2006, applicant lists and provides copies of Japanese documents no.s JP2002-361413 and JP2002-361414. Applicant lists three other documents, but does not provide copies of the same. Applicant is advised that these three documents have been lined-through as “not considered” on the form PTO-1449 of the aforementioned IDS. Of these three, Japanese documents JP2003-62669 and JP5-245638 have been cited on the attached form PTO-892. Applicant is advised that the Japanese document JP6-54462A has no apparent pertinence to the instant case, and according to the Derwent database, it has a publication date of 2/1994, contrary to the 7/1994 publication date provided by applicant. Apparently, the JP6-54462 listing is in error. Applicant is requested to provide a copy of the document he intended to be cited.

2.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.) Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 3-4 and lines 11-12, it is not clear what is meant by “the welding preceding direction”. In the last two lines of the claim, it is not clear what is meant by “to part apart”. In claim 2, line 4 and in claim 3, line 5, there is insufficient antecedent basis for “the welding proceeding direction”. In claim 3, line 4, it is not clear what is meant by “most precedingly”. In each of claims 6, 8, and 9, it is not clear what is meant by “deposition on the

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weld bead”, “deposited wire”, or “deposition detected wire”. Claims 4 and 5 are inadequate under 35USC112 in that they depend from inadequate claims.

4.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.) Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP2002-361414. Insofar as the claims can be understood in view of their rejection under 35USC112 set forth above, they are obvious over the Japanese document no. JP2002-361414. The English abstract and figures 10a-c and 11 disclose a consumable electrode arc welding method wherein two wires are fed along a weld seam, at the end of the seam, one wire is stop and de-energized while the other remains energized, and the wires are moved in an opposite direction along the seam, thereby filling any crater at the end of the weld. Claim 1 differs from the Japanese document no. JP2002-361414 in calling for “the torch to part apart from the weld beads” at the end of the weld. It is not clear what this language means, but it suggests that the torch in some sense stays apart from the weld bead. This difference does not patentably distinguish over the prior art. It is considered obvious that the torch in the Japanese document no. JP2002-361414 stays spaced from the weld beads, i.e., stays apart from the weld beads, because of the clear damage to the weld that torch-bead contact would effect.

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6.) Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP2002-361414 as applied to claims 1-5 above, and further in view of the Japanese document no. JP5-245638A. The only aspect of the claims to which the rejection above does not apply is the provision for dealing with a “deposited wire” on the weld bead. As discussed in the rejection under 35USC112 above, it is not clear what is meant by the limitations dealing with a deposited wire. However, on the basis of the prior art cited by applicant directed to dealing with wire sticking, it is examiner’s guess that these claims are directed to dealing with a stuck wire, i.e., a wire that is inappropriately welded to the weld bead at the end of the weld. At the time applicant’s invention was made, it would have been obvious to have practiced the method of the Japanese document no. JP2002-361414 with steps directed to alleviating wire sticking, the motivation being the teachings of the Japanese document no. JP5-245638A that such is useful in an arc welding method (see the English abstract of the Japanese document no. JP5-245638A).

7.) The Japanese document JP2003-62669 is a document listed by applicant in the IDS statement filed on 2/1/2006. No copy of this document was provided.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
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September 24, 2006